

BILL ANALYSIS

Senate Research Center
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S.B. 513
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The federal government has a history of violating the Second Amendment with excessive restrictions on gun rights. Federal laws regulating firearms, firearm accessories, and firearm ammunition could eventually go further than Texas law.

State and local law enforcement as well as other enforcement agencies may try to enforce the restrictive regulation using public funds. This bill will prevent Texas tax dollars from being used to enforce future federal laws and regulations that are contrary to the Second Amendment and Texas law.

As proposed, S.B. 513 amends current law relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Sets forth legislative findings related to securing the right of Texas citizens to keep and bear arms.

SECTION 2. Amends Title 8, Penal Code, by adding Chapter 40, as follows:

CHAPTER 40. THE TEXAS FIREARM PROTECTION ACT

Sec. 40.01. SHORT TITLE. Provides that this chapter may be cited as the Texas Firearm Protection Act.

Sec. 40.02. DEFINITIONS. Defines "firearm" and "firearm accessory."

Sec. 40.03. STATE AND LOCAL GOVERNMENT POLICY REGARDING ENFORCEMENT OF FEDERAL FIREARM LAWS. (a) Provides that this section applies to:

- (1) the State of Texas, including an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state, including a university system or a system of higher education;
- (2) the governing body of a municipality, county, or special district or authority;
- (3) an officer, employee, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(4) a district attorney or criminal district attorney.

(b) Prohibits an entity described by Subsection (a) from adopting a rule, order, ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation enacted on or after January 1, 2021, that purports to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation, a registration requirement, or a background check, that does not exist under the laws of this state.

(c) Provides that no entity described by Subsection (a) and no person employed by or otherwise under the direction or control of the entity may enforce or attempt to enforce any federal statute, order, rule, or regulation described by Subsection (b).

(d) Prohibits an entity described by Subsection (a) from receiving state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity enforces any federal law described by Subsection (b) or, by consistent actions, allows the enforcement of any federal law described by Subsection (b). Requires that state grant funds for the entity be denied for the fiscal year following the year in which a final judicial determination in an action brought under this section is made that the entity has violated Subsection (b).

(e) Authorizes any citizen residing in the jurisdiction of an entity described by Subsection (a) to file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has adopted a rule, order, ordinance, or policy under which the entity enforces a federal law described by Subsection (b) or that the entity, by consistent actions, allows the enforcement of a law described by Subsection (b). Requires the citizen to include with the complaint any evidence the citizen has in support of the complaint.

(f) Authorizes the attorney general, if the attorney general determines that a complaint filed under Subsection (e) against an entity described by Subsection (a) is valid, to compel the entity's compliance with this section, to file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the entity is located. Authorizes the attorney general to recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(g) Provides that an appeal of a suit brought under Subsection (f) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. Requires the appellate court to render its final order or judgment with the least possible delay.

(h) Provides that a person commits a Class A misdemeanor offense if, in the person's official capacity as an officer of an entity described by Subsection (a), or as a person employed by or otherwise under the direction or control of the entity, or under color of law, the person knowingly enforces or attempts to enforce any federal statute, order, rule, or regulation described by Subsection (b).

SECTION 3. Effective date: upon passage or September 1, 2021.